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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91201908
Party	Defendant Interex Corp.
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Submission	Answer
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Date	11/14/2011
Attachments	(3) Answer to the Opposition (filed 11-14-11).pdf (5 pages)(983575 bytes)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In the Matter of Serial No. 85/266,719
Published: June 7, 2011
Mark: CHARRITOS

Don Miguel Mexican Foods, Inc.,)	
)	
Opposer,)	Opposition No. 91201908
)	
v.)	
)	
Interex, Corp.)	
)	
Applicant.)	
)	

ANSWER TO THE NOTICE OF OPPOSITION

Interex, Corp. ("Applicant") hereby files this Answer in response to the Notice of Opposition filed against Applicant's CHARRITOS mark, U.S. Ser. No. 85/266,719 ("Applicant's Mark"). Applicant does not waive, and expressly preserves, all applicable defenses, including, but not limited to, those defenses allowed under Rule 12 of the Federal Rules of Civil Procedure. Subject to the above, Applicant states as follows:

1. Applicant admits the allegations contained in Paragraph 1 of the Notice of Opposition.
2. With respect to Opposer's allegations in Paragraph 2 of the Notice of Opposition, Applicant admits that Opposer is identified on the U.S. Patent and

Trademark Office TARR pages as the owner of the registration for the mark EL CHARRITO (U.S. Reg. No. 1,958,342) for the goods identified.

3. Applicant is without sufficient knowledge or information to form a belief about the truth of the allegations in Paragraph 3 of the Notice of Opposition and therefore denies those allegations.

4. Applicant admits that Applicant's asserted first date of use of CHARRITOS is April 1990. Applicant, however, is without sufficient knowledge or information to form a belief about the truth of the remaining allegations in Paragraph 4 of the Notice of Opposition and therefore denies those allegations.

5. Applicant admits that Applicant is Interex Corp., a Texas corporation, with an address of 222 W. Las Colinas Blvd., Suite 1910, Irving, Texas 75039.

6. Applicant admits the allegations contained in Paragraph 6 of the Notice of Opposition.

7. Applicant denies Opposer's allegations in Paragraph 7 of the Notice of Opposition.

8. Applicant is without sufficient knowledge or information to form a belief about the truth of the allegations in Paragraph 8 of the Notice of Opposition regarding any goodwill and reputation related to Opposer's EL CHARRITO mark and therefore denies those allegations. Applicant further denies that the good will and reputation of Opposer will be harmed by the use and registration of the mark CHARRITOS sought to be registered by Applicant.

9. Applicant denies Opposer's allegations in Paragraph 9 of the Notice of Opposition.

10. Applicant denies Opposer's allegations in Paragraph 10 of the Notice of Opposition.

11. Applicant denies Opposer's allegations in Paragraph 11 of the Notice of Opposition.

Defenses

12. Opposer's EL CHARRITO mark identified in Paragraph 2 of the Notice of Opposition ("Opposer's Mark") is weak and entitled to a narrow scope of protection due to the existence and use of similar marks on similar goods by third parties, including third-party federal registrations.

13. Opposer's claims are barred by the doctrine of estoppel by acquiescence.

14. Opposer's claims are barred by the doctrine of waiver.

15. Applicant's Mark is not confusingly similar to Opposer's Mark, and there is no likelihood of confusion, or likelihood of consumers being confused, misled or deceived to believe that the goods identified in Applicant's Mark are in any way affiliated with, or sponsored, authorized or licensed by, or otherwise connected to Opposer because of the significant dissimilarities in the marks and the goods covered under the marks.

WHEREFORE, Applicant requests that all relief requested by Opposer be denied.

Dated: November 14, 2011

Respectfully submitted,



Deborah L. Lively

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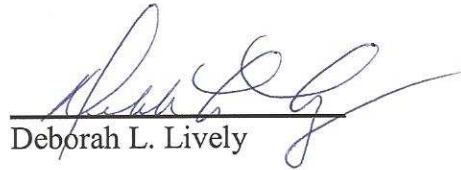
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ATTORNEYS FOR APPLICANT

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Answer to Notice of Opposition was mailed via certified mail, return receipt requested, this 14th day of November 2011 to:

Sarah L. Nelson
Hormel Foods Corporation
1 Hormel Foods Corporation
Austin, MN 55912


Deborah L. Lively